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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 3COM CORPORATION,

12 Plaintiff,

13 v.

14 D-LINK SYSTEMS INC.,

15 and

16 REALTEK SEMICONDUCTOR
17 CORPORATION

18 Defendants.
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Case No. Cv-03-2177-VRW

**STIPULATION AND [PROPOSED]
ORDER**

25 WHEREAS, on January 7, 2003, 3Com Corporation ("3Com") filed its Complaint
26 for Patent Infringement and Demand for Jury Trial against D-Link Systems Inc.;
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1 WHEREAS, on May 21, 2004, Realtek Semiconductor Corporation ("Realtek")
2 filed its Motion to Intervene Pursuant to Fed. R. Civ. P. 24 which was so ordered by this Court on
3 June 23, 2004;

4 WHEREAS, on June 23, 2004, Realtek filed its Intervention Complaint for
5 Declaratory Judgment;

6 WHEREAS, on July 13, 2004, 3Com filed its Answer and Counterclaims to
7 Realtek's Intervention Complaint, alleging, *inter alia*, direct and/or indirect infringement of
8 United States Patent No. 6,327,625 (the " '625 patent"), entitled "FIFO-Based Network Interface
9 Supporting Out of Order Processing," in violation of the patent laws of the United States, 35
10 U.S.C. § 1 *et seq.*;

11 WHEREAS, on September 2, 2004, Realtek filed its Answer and Counterclaims,
12 alleging in part, that one or more claims of the '625 patent are invalid and/or unenforceable for
13 failure to comply with the patent laws of the United States, 35 U.S.C. § 1 *et seq.*;

14 WHEREAS, Realtek has provided 3Com with a Declaration of Jen-Che Tsai dated
15 March 16, 2007 (the "Tsai Declaration"), containing certain factual representations concerning the
16 Realtek products that 3Com alleges in this action are an infringement of the '625 patent;

17 WHEREAS, 3Com is prepared to rely upon, and is relying upon, the truth of the
18 Tsai Declaration for purposes of entering into this stipulation;

19 NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

20 1. Count Five of 3Com's Answer and Counterclaims to Realtek's Intervention
21 Complaint, alleging infringement by Realtek of U.S. Patent No. 6,327,625, is dismissed in its
22 entirety with prejudice with respect to all past and existing Realtek products.

23 2. The First Claim of Realtek's Answer and Counterclaims seeking
24 declaratory relief is dismissed with respect to Realtek's allegations that one or more claims of U.S.
25 Patent No. 6,327,625 are invalid and/or unenforceable for failure to comply with the patent laws of
26 the United States, 35 U.S.C. § 1 *et seq.*, without prejudice to the reassertion of such claims in
27 another case.

3. Each party shall bear its own costs and attorneys' fees with respect to all claims and allegations hereby dismissed.

Dated: March 22, 2007

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 26, 2007

